

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

IN RE: ETHICON, INC. PELVIC REPAIR  
SYSTEMS PRODUCTS LIABILITY  
LITIGATION

Master File No. 2:12-MD-02327  
MDL 2327

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ETHICON WAVE 8 CASES LISTED IN  
EXHIBIT A OF DEFENSE NOTICE OF  
ADOPTION

JOSEPH R. GOODWIN  
U.S. DISTRICT JUDGE

**NOTICE OF ADOPTION OF PRIOR DAUBERT RESPONSE OF  
DIONYSIOS K. VERONIKIS, M.D. FOR WAVE 8**

Come now, the Plaintiffs, and hereby adopt and incorporate by reference the *Daubert* response filed against Dionysios K. Veronikis, M.D., for Ethicon Wave 3, Dkt. 2890. Plaintiffs respectfully request that the Court deny Defendants' motion, for the reasons expressed in the Wave 3 response briefing.

As to Ethicon's additional argument that any opinions about alternative procedures should be excluded, this Court should not make that determination in adjudicating a general *Daubert* motion. Defendants are presenting an issue of relevance under Rule 401, and such issues should be determined within the context of specific cases and state law. Alternative procedures do have relevance to key issues in the case under the laws of many states. *See Herrera-Nevarez by Springer v. Ethicon, Inc.*, No. 12 C 2404, 2017 WL 3381718, at \*7 (N.D. Ill. Aug. 6, 2017) (allowing Dr. Elliott's testimony about alternative procedures under the risk-utility test employed by Illinois courts).

Dated: October 23, 2018

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2018, I electronically filed the foregoing document with the Clerk of the court using CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ D. Renee Baggett  
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